



International
Labour
Organization



IOM
UN MIGRATION



Funded by the
European Union



UNHCR
The UN Refugee Agency



UNODC
United Nations Office on Drugs and Crime



**THE SOUTHERN
AFRICAN**

MIGRATION MANAGEMENT
PROJECT



**Republic of Botswana
Tripartite Dialogue on Labour Migration
Governance
23rd to 25th August 2022
Cresta Jwaneng**

Botswana



Opening Session

The Opening Session of the Dialogue was moderated by Commissioner of Labour Ms. Goitseone Kokorwe.

Welcome Remarks by the Deputy Permanent Secretary in the Ministry of Labour and Home Affairs- Ms. Boineelo Lobelo

Ms. Lobelo welcomed all to the Dialogue and noted the presents of most government ministries, highlighting the importance of labour migration to the national discourse. She went on to highlight that labour migration was to be looked at both from an inbound and outbound perspective, with the view to promote attainment of decent work for all workers in the country. The Dep Perm Secretary went on to note that in order to promote decent work, there was need to ensure that all migrant workers were documented and their rights protected.

She thanked the SAMM Project for facilitating the holding of the Dialogue, providing both technical and financial support. She thanked all the participants for availing themselves for the Dialogue and wished successful and fruitful deliberations, and looked forward to days packed with insightful engagements.

Remarks - Dr. Gloria Moreno-Fontes, Chief Technical Advisor SAMM Project, International Labour Organisation

Dr. Moreno-Fontes noted that the country-level dialogues were organised within the framework of the Southern Africa Migration Management (SAMM) project that is financed by the European Union. This four-year project (2020-2023) is designed to improve migration management in the Southern Africa and Indian Ocean region. The SAMM Project is a UN Multi-Agency programme composed of the International Labour Organization (ILO), the International Organisation for Migration (IOM), the United Nations High Commissioner for Refugees (UNHCR) and the United Nations Office on Drugs and Crime (UNODC).

She went on to welcome all to the Dialogue and noted that the SAMM project was guided by, and contributed to the realisation of (i) SDG Target 8.8 which states the objective to “Protect labour rights and promote safe and secure working environments for all workers, including migrant workers in particular women migrants, and those in precarious employment”; and, (ii) SDG Target 10.7 which mentions the need to “Facilitate orderly, safe, regular and responsible migration and mobility of people, including through the implementation of planned and well-managed migration policies”. She noted that the SAMM Project was bringing together four UN agencies with



the aim to improve migration management, considered as one of the most pressing issues of our day.

Dr. Moreno-Fontes noted that labour migration is a cornerstone of the economic development of the African continent, and a key feature of movements in Africa and particularly, of the Southern African Development Community region. With the growing precariousness of the labour force, many African workers are moving to main economic hubs, as they seek employment and other economic opportunities. It will also be important to identify national focal points responsible for each of the thematic areas covered by the SAMM project to support follow-up. The dialogue also served to prepare the ground for the forthcoming “High-Level Tripartite Dialogue on Labour Migration Governance in the SADC region”, which the SAMM Project was organizing, which will be a milestone in advancing all this important work.

SAMM’s overall objective is to improve migration management in the Southern Africa and Indian Ocean region. The project targets the 16 SADC Member States: Angola, Botswana, Comoros, Democratic Republic of the Congo (DRC), Eswatini, Lesotho, Madagascar, Malawi, Mauritius, Mozambique, Namibia, Seychelles, South Africa, Tanzania, Zambia and Zimbabwe. She noted that the objective of this Tripartite Dialogue on Labour Migration Governance is to:

- i. Explain the SAMM project activities, learn about past and ongoing related work in the countries, and identify together with Member States’, priorities that are demand driven and achievable, given the capacity of each country’s human and financial resources.
- ii. Identify the focal points (names, email addresses and phone numbers) for each country that are responsible for the thematic areas of the project.
- iii. Put together a roadmap on the support that the SAMM project could provide under each of the thematic areas identified as priority.

Remarks by Organised Labour – Mr. Johannes Tshukudu, BOFEPUSU President

Mr. Tshukudu noted that it was important to ensure that there was political will in the country to address the challenges faced by migrant workers (both internal and external migrant workers). Thus, the call for the promotion of decent work for all workers in the country was of critical importance, without which the Dialogue will remain a “Talk Show” with no results at the end of the day. He went on to note that migrant workers face challenges in accessing housing, decent work, a living wage and recognition of their rights.



Mr. Tshukudu highlighted that it was important for the government and social partners to discuss skills development issues, within the labour migration discourse. He concluded by urging all trade unions to work together for the protection of rights of all workers including migrant workers.

Remarks by Organised Business – Ms. Gao Radikwata, Business Botswana

Ms. Radikwata welcomed all to the dialogue and noted that Business Botswana was glad and proud to be part of the tripartite dialogue on labour and mixed migration governance. She noted that labour migration was a key issue, and the Dialogue was an important engagement. Ms. Radikwata noted the importance of partners working together to address the key issues around labour migration and the sharing of experiences during the Dialogue will enable the nation to develop a critical way forward, going beyond talk towards action.

She concluded by highlighting that by ensuring that migrant workers are documented, the national will be able to ensure that the level of worker exploitation is reduced and ensure that migrant workers have access to insurance and decent work.

Opening Remarks by the Honourable Olga Ditsie Mayoress of Jwaneng Town Council

Honourable Ditsie, welcomed all to the dialogue. She welcomed the fact that the dialogue was tripartite plus, with representatives from government, employers' and employees' organisations and civil society. The Mayor noted that the Mining Town of Jwaneng, one of the destination of migrant workers from within and outside this country, hence the choosing of the venue to have the Dialogue was most relevant.

She noted that labour migration was an essential and growing component of most contemporary economies, thus, a well governed migration was a prerequisite for maximizing the efficient allocation of labour administration resources. The development of policy frameworks for the management of migration was essential in improving working conditions of a migrant workers.

The Major urged all that were present for the dialogue to ensure that the Dialogue should not just be a 'Talk Shows' but should at the end have people 'walk the talk' in our pursuit for decent work for all.

Honourable Ditsie, noted that a Labour Migration policy is extremely important for any country to guide the management of migrant workers in general. Hence the Dialogue was a good platform for Botswana to reflect on labour migration issues, including the development of a labour migration policy. She called upon all participants to reflect on migration issues with the genuineness they deserve so that appropriate solutions would



be developed. She also noted that it was important to also reflect on the effects of COVID 19 pandemic on migration, picking on lessons learnt from the pandemic that could facilitate policy development.

Honourable Ditsie, concluded by thanking the SAMM Project for facilitating the Dialogue and also thanked all the experts and wished the Dialogue fruitful deliberations. I hope the Dialogue will be able to achieve the intended objectives.



The Dialogue was moderated by Dr.
Patrick Nalere, Executive
Director ARLAC

A. Labour Migration

The GCM, the AU Revised Migration Policy Framework, the AU Free Movement of Persons Protocol, SADC's Protocol on the Facilitation of Movement of Persons and the SADC Labour Migration Policy Framework

Presentation: It was noted that the term international migrant worker refers to both international migrants and non-resident foreign persons who are employed or unemployed in the country of measurement. The ILO estimated that there were 169 million migrant workers in 2019, an increase by 5million from the 2017 estimate. The number of migrant workers in Africa increased from 9.5 million in 2010 to 14.5 million by 2019, and the average share of women migrant workers was 38 percent. The number of migrant workers in Lesotho is estimated at around 12,000 in 2020, with around 200,000 Basotho abroad.

The following were noted as the global and regional framework for evidence-based labour migration policy: (i) Agenda 2030 and the Social Development Goals; (ii) Global Compact for Safe, Orderly and Regular Migration (GCM) and Global Compact on Refugees; (iii) Migration Policy Framework for Africa and Plan of Action (2018-2030); and, (iv) SADC Labour Migration Policy Framework (2014) and Action Plan (2021-25).

It was noted that in 2018, Lesotho established a labour migration policy, and had requested the assistance of the SAMM Project in the development of its implementation of its labour migration policies action plan.

Discussions

The following were the discussion points:

- i. *Availability of data on migrant workers-* there was a concern on the availability of data on migrant in irregular status. It was noted that during census, a person's migration status is not questioned, rather they are only asked if they are a national or a foreigner. This ensures that the results of the survey are correct, so one regularity is not in questions when doing surveys.
- ii. *Ratification of ILS on labour migration-* the ratification of ILS does not stop a country from developing a labour migration policy. The policy itself can be used as a tool



or catalyst to the ratification of ILS on labour migration. It was also noted that some countries domesticate ILS before they ratify.

iii. *Policy approach to labour migration*- it was noted that there is no one-size-fits-all in the approach to policy development. From a SADC level, the agreement was to develop national labour migration policies, but if the country would opt to develop a National Labour Policy (NLP) and have a labour migration strategy and action plan fall under the NLP, it was an option available to the country. This discussion was noted due to the cumbersome nature in the country in getting policies adopted.

Key Priority Area 1. Gender-sensitive and evidence-based labour migration policies, gender equality & women migrant workers' empowerment

Presentation: Gender-sensitive labour migration policies take into account the differences in socio-cultural roles, needs, opportunities, constraints and vulnerabilities of women and men. They guarantee that human rights, including labour rights, are enjoyed equally by women and men migrant workers, and that migration legislation, policies and programmes promote equality of opportunity and treatment in respect of employment and occupation with a view to eliminating any discrimination based on sex. The main elements of such policies include: rights should be enjoyed by men and women migrant workers respecting the principles of gender equality and non-discrimination. Not necessarily mean equal treatment in all instances. Promoting gender equality in labour migration policies may include special gender-specific provisions (e.g. preferential treatment or affirmative action to compensate for long-term discrimination, particularly that suffered by women).

It was noted that the examples GSLMP during the 5 phases of the migration cycle were:

- Decision-making, planning and preparation: Ensuring that migration policies provide women with equal opportunities to safe, fair and regular migration channels, pre-departure training (e.g. language skills, etc.) and information about legislation and rights' protection in countries of destination.
- Recruitment and placing: Ensuring fair recruitment and placing, safe transportation, provision of legal assistance in case of abuse.
- Journey or transit to country of destination : Safe transportation protecting them from physical and sexual abuse and protection on fundamental human and labour rights.
- Working and living conditions abroad : Ensuring equal opportunities and treatment concerning labour market integration, respect for contracts, non-withholding of i.d. papers, respect for working conditions, fair wages,



- Return and re-integration to country of origin : Ensuring equal opportunities in terms of training and provision of entrepreneurship skills

It was highlighted that women migrants need specific legal protection, due to:

- Low regard for women and the types of mostly low-skilled and semi-skilled jobs they perform, thus often resulting in de-skilling and other discriminatory practices.
- More likely to face multiple discrimination and various forms of exploitation and abuse (e.g. non-payment or withholding of wages, lowest wages, workplace violence, non-freedom of movement, bad working conditions) and inequality (no right to family reunification, nor to family life, neither to child care support services).
- Often no right to contribute to social security, mainly health coverage and pension (e.g. domestic workers).
- Relatively more job opportunities for men migrant workers into safe, orderly and regular channels of migration
- Remain outside the scope of national legislation
- Too dependent on the employer for their working and residence permit

In terms of the scope of coverage it was highlighted that unless otherwise specified, *all ILO Conventions apply to both women and men workers irrespective of their nationality*. To be specific the framework of protection composed especially of:

- ✓ 6 Gender Equality Conventions;
- ✓ 10 Fundamental Conventions;
- ✓ 2 Migrant Workers' Conventions: C.97 and C.143.

Discussions

The following were the discussion points:

- The need for disaggregated data on labour migration, to which the Bureau of Statistics noted that they have the statistics but these are to be further analysis as most of it was in raw data.
- It was also noted that implementation of the provisions of ILS was critical hence the need to ensure that beyond ratification countries need to develop strategies for the implementation of the ILS.

Key Priority Area 2. International Labour Standards on the protection of migrant workers



Presentation: The protection of migrant workers, has been a concern of the ILO from the beginning, hence the development of instruments that regulating labour migration and equal treatment of migrant workers. This has also seen the establishment of specific International Labour Standards or provisions applying to migrant workers. The instruments aim to address, “a dual problem”-migration of workers and the treatment of foreign workers.

- *Migration for Employment Convention (revised), 1949 (No. 97)* - provides for equality of treatment and non-discrimination in respect of nationality, race, religion or sex between migrant workers who have been regularly admitted and nationals, arising out of laws or regulations or the practices of the administrative authorities in four areas: living and working conditions, social security, employment taxes and access to justice. The provisions include, among others, equal remuneration, membership of trade unions, and enjoyment of the benefits of collective bargaining.
- *Migrant Workers (Supplementary Provisions) Convention, 1975 (No.143)* - aims to eliminate illegal migration and illegal employment and sets requirements for the respect of rights of migrants with an irregular status, while providing for measures to end clandestine trafficking and to penalize employers of irregular migrants. The Convention is aimed at protecting migrant workers from working in abusive conditions. It seeks to promote equality of opportunity and treatment of migrant workers.

Conventions Nos 97 and 143 **recognize a very important set of labour rights for migrant workers**, laying the foundations for promoting a rights-based approach to achieving fair labour migration. Recognizing that migrant workers are workers endowed with labour rights can also help to promote tolerance and reduce discrimination and xenophobia in and outside the workplace, and enhance economic productivity and social cohesion.

Private Employment Agencies Convention, 1997 (No. 181) - One purpose of this Convention is to allow the operation of private employment agencies as well as the protection of the workers using their services, within the framework of its provisions. Convention No.181 states that a Member shall, after consulting the most representative organizations of employers and workers, adopt all necessary and appropriate measures, both within its jurisdiction and, where appropriate, in collaboration with other Members, to provide adequate protection for and prevent abuses of migrant workers recruited or placed in its territory by private employment agencies



It was highlighted that Zimbabwe had not yet ratified the following convention on labour migration:

- Migration for Employment Convention (Revised), 1949 (No. 97);
- Migrant Workers (Supplementary Provisions) Convention, 1975 (No. 143); and,
- Private Employment Agencies Convention, 1997 (No. 181).

Discussions

The following were the discussion points:

- Why are countries not ratifying ILS? It was noted that the ratification of labour migration convention is stalled by the fact that labour migration is viewed as a complex and political issue, and also by the fact that a lot of countries have limited knowledge of the content and purpose of the conventions. It was also noted that the establishment of ILS did take a bottom-to-up approach as it was the tripartite constituents at the national level that would discuss and then move for the adopt an ILS for it to be established at the international level as an ILS.

Key Priority Area 3. Bilateral Labour Migration Agreements

Presentation: Bilateral labour agreement were defined as a cooperation agreement between origin and destination countries establishing the specific responsibilities of, and actions to be taken by each of the parties, with a view to accomplishing its goals. BLAs create legally binding rights and obligations and are more action-oriented. Whereas, Memorandum of Understanding, were noted to be a less formal instrument entailing general principles of cooperation. The MOU describes broad concepts of mutual understanding, goals and plans shared by the parties. They are softer, non-binding instruments. Other types of bilateral arrangements, were noted as Framework agreement, Inter-agency understanding, Protocols, Statement of mutual cooperation, Trainee scheme, Cross-border worker agreements, among others.

The objectives of bilateral labour migration agreements are to manage the process of meeting labour market needs quickly and efficiently especially the sectors in which they are severe labour shortages. They may also be useful in supporting broader regional, commercial and economic relations by aiding the development of the country of origin and facilitating its regional integration. They also strengthen ties between countries that share culturally or historical links. BLMAs prevent and reduce irregular migration by offering alternative regular channels to migrate for employment. They also act as regularisation agreements that might be worked out with countries of origin.



Discussions

The following were the discussion points:

- Capacity building and involvement of social partners of the development and content of BLMAs;
- Access to BLMAs and their contents to the all stakeholders and the public; and,
- Support from the SAMM Project in the development of a BLMAs and MoUs.

Key Priority Area 4. Social Protection for Migrant Workers

Presentation: the presentation covered the following key areas in relation to migration and social protection (i) Key arguments for extending social protection to migrant workers and their families; (ii) Legal and practical barriers, and other challenges; (iii) Policy options for the extension of social protection to migrant workers; (iv) Unilateral Measures; and, (v) SADC Guidelines on portability of social security benefits. It was noted that Social security is a basic human right that migrant workers, refugees and their families should enjoy throughout their life cycle. Yet, despite progress, 4.1 billion individuals worldwide do not have access to social protection, including migrant workers, refugees, and their families.

Key arguments for extending social protection to migrant workers and their families include, may: improve the general health of the public; help improve the demographic situation of a country as migrant workers are often net contributors to the social security system over their lifetime; facilitate employee mobility and attract highly skilled migrants workers for the proper functioning of labour markets; facilitate the formalization of the labour market as well as the regularization of migrant workers; fill labour shortages particularly in economies with ageing workforces and can contribute to the development and GDP growth of host and home countries; improve labour productivity; and, build stronger and financially healthier social security systems.

The legal and practical barriers (underlying causes) to non-access of social protection for migrant workers were noted as, the principle of territoriality (which looks at the scope of application of social security legislation is limited to the territory of the country where it was enacted) and the principle of nationality (which looks at the coverage and entitlement to benefits limited to nationals of a country)

SADC developed guidelines on the portability of social security benefits, addressing the obstacles faced by migrant workers. The ILO has been supporting participating countries, in particular the 5 piloting countries (Eswatini, Lesotho, Malawi, South Africa,



Zimbabwe) and Botswana, Comoros, DRC, Madagascar, Mauritius and Seychelles in the development of Action Plans for the implementation of the SADC Guidelines.

Main discussion points: the dialogue noted t

Key Priority Area 5. Labour Migration Statistics

Presentation: Botswana was noted to be one of the few countries in the region with relatively detailed labour migration data, although not everything is published: (i) QMTHS collects data on labour migration, but only publishes indicators on non-citizens in formal employment disaggregated by sex and industry (2021 report); (ii) ILOSTAT has labour migration data from the 1996 and 2006 LFS, and 2019 and 2020 Botswana Multi-topic Household Survey (QMTHS). These data include stock data (disaggregated by age, sex, citizenship, status in employment, education, and broad occupational and sectoral categories). Data on inflows and nationals abroad is not available; and, (iii) UNDESA collects data on immigration and emigration, but does not disaggregate by age categories, not employment status.

Under the SAMM Initiatives, it was noted that SADC was developing a Labour Market Observatory (LMO) a mechanism for the collection, consolidation, storage and management of regional labour market information from Member States, including information on labour migration and skills. The aims of the LMO were to: (i) harmonize labour market statistical regimes across Member States; and, (ii) ensure aggregation and the availability of up-to-date and comparable labour market information, based on international statistical standards. The following challenges were noted, most countries still only have limited data availability, and not all countries have the same priorities in terms of reporting on labour migration trends/indicators. It was noted that the SAMM Project was providing support this process, through:

- Capacity-development for data producers and data users;
- Support to data collection activities (statistics as well as administrative data); and,
- Strengthening regional collaboration and exchange.

Discussion points: the following were noted, the following -

- ✓ Statistics were note made available to all, and Statistics Botswana needed to improve on the dissemination of information on what data was available; and,
- ✓ Provision of raw data for further analysis.

Key Priority Area 6. Fair Recruitment of migrant workers



Presentation: Well managed migration benefits all. Labour recruiters play an important role in matching jobseekers with employment opportunities. However, exploitation of workers during recruitment is far too common. Unethical recruitment practices expose labour recruiters to the risk of losing business, incurring reputational costs, and facing legal liabilities. Challenges in labour migration commence from the recruitment stage. The vulnerability of migrant workers is caused by language in cultural barriers, living family and support networks behind, discrimination and social isolation, lack of awareness of their legal rights and protections, employer-specific work permits, fear of deportation, lack of access to justice, and, migration costs.

The IOM has established the International Recruitment Integrity System (IRIS), which is a consortium of international stakeholders committed to the fair recruitment and selection of migrant workers. The goal of IRIS is to make international recruitment fair for everyone involved: migrant workers, employers, recruiters and countries of origin and destination. It does this by: Promoting respect for the rights of migrant workers; Enhancing transparency and accountability in recruitment; Advancing the Employer Pays Principle; Strengthening public policies, regulations and enforcement mechanisms. It was also noted that the Montreal Declaration enables governments to ensure that there is ethical recruitment of migrant workers if put in practice.

Discussion:

- The need to raise awareness on ethical and fair recruitment; and,
- The need for capacitation of the relevant stakeholders on issues of ethical and fair recruitment and the IOM is ready to facilitate national level training.

Key Priority Area 7. Skills Development and Labour Migration

Presentation: it was highlighted that the link between labour migration and skill development, could be explored in the following manner; (i) the lack of employment opportunities in countries of origin, would see skilled people moving to other countries; (ii) there was underutilization of migrants' skills in countries of destination; and, (iii) there may exist be weak skills system and policies which does not allow for the recognition and utilisation of the skills in the country held or provided by migrant workers.

It was noted that there was need for policies, initiatives and frameworks that look at Skills Anticipation, Skills Recognition, Skills Partnership, and, Skills Development within the



country and this was key in the nation moving progressively towards achieving decent work. The process of skills development should be tripartite and should have all the social partners fully and effectively participating in the process. The recognition of prior learning was also key in ensuring decent work for migrant workers. It was highlighted that the key priorities for capacity building under the SADC Study on Skills Recognition were:

- ✓ Data gathering and analysis;
- ✓ High-level coordination with regard to skills development and migration systems;
- ✓ Qualification recognition for the purpose of employment systems for migrants with high levels of qualifications and skills need to be streamlined; and,
- ✓ There is a need for an understanding of how best to recognize the qualifications and skills of migrants with lower levels of skills e.g. need to provide job seeker support to migrants, RPL mechanisms, among others.

Main discussion points: the following issues were discussed-

- ✓ include a Skills Module in the Labour Force Survey to ensure that there is available data on the skills in the country; and,
- ✓ develop a skill recognition framework in the country and a National Qualifications Framework that is in line with the SADC Qualifications Framework.

Way Forward on Labour Migration

It was noted that the country did not have a Labour Migration Policy and the meeting agreed for the development of a Labour Migration Policy, as part of the Labour Administration Policy. The key priority areas that should be included into the labour migration policy are;

- Labour migration governance;
- Skills development;
- Gender issues;
- Fair recruitment (addressing issues of labour exploitation);
- International labour standards;
- Access to social protection (without discrimination);
- Establishment of labour migration statistics;
- Establishment of tripartite structures on labour migration;
- Dispute resolution; and,
- Regional obligations.



The key areas for support from the SAMM Project noted, included;

- Sensitization activities on labour and mixed migration;
- Training /capacity building on labour migration;
- Technical support from specialists in developing labour migration policy; and
- Research and policy gap analysis.



B. Mixed Migration

Concretising the UNHCR Mandate: Protecting and Assisting Its Persons of Concern

Presentation: it was noted that based on the 1951 Geneva Refugee Convention, UNHCR's core mandate is to ensure the international protection of uprooted people worldwide. It has a responsibility to provide international protection and seek durable solutions for persons of concern under its mandate. The organization promotes the basic human rights of refugees and ensures they will not be returned involuntarily to a country where they face persecution. Persons under UNHCR Mandate include- Refugees; Asylum seekers; Stateless persons; and, Internally displaced persons. It was noted that in terms of Population of Concern in Botswana, Botswana hosts about 833 registered refugees (as of 21 August 2022) and 213 onward movers who are still going through the required processes.

Key applicable conventions and laws in Botswana include:

- the 1951 Convention and 1967 Protocol Relating to the Status of Refugees, with Reservations to: Article 7, Article 12, Article 17, Article 26, Article 31, Article 32, and, Article 34.
 - 1969 Convention Relating to Specific Aspects of Refugee Problems in Africa (subject to reservations)
 - 1954 Convention Relating to the Status of Stateless Persons (subject to reservations)
- Not party to the 1961 Convention on the Reduction of Statelessness

National Laws

- Refugee (Recognition and Control) Act of 1968 (the Refugee Act) - (in the process of being amended)
- Immigration Act

Can a Refugee Work in Botswana? • *Informal Sector* – in the camp and elsewhere with relevant exit permits - without permits therefore subject to abuse and exploitation • *Formal sector* – None (unless they get naturalised).

It was also noted that the Freedom of movement restrictions still a challenge although exceptions are made by the government (referrals to hospitals/ education). Refugees were noted go have access to financial institutions and services, as they could open bank accounts using refugee identity cards, especially those in business.

UNHCR Recommendations



- ✓ Withdraw its reservation to Articles of the 1951 Convention
- ✓ Amend section 4 of the Citizenship Act 1998 and Citizenship Regulations 2004.
- ✓ Accede to the 1961 Convention on the Reduction of Statelessness
- ✓ Provide work permits and decent work opportunities to asylum-seekers and refugees
- ✓ Amend its encampment policy to ensure freedom of movement for refugees and asylum-seekers;
- ✓ Allow refugees, particularly those with ties to Botswana to be naturalized
- ✓ Grant nationality to children at birth and by operation of the law, and for any child born in Botswana who would otherwise be stateless and to foundlings.

Discussions: the Dialogue noted the following recommendations-

- Lifting of reservations to allow for:
- Waiving requirement for work permit for refugees
- Equality of treatment of [Social security] vis-a vis ILO Labour Standards [including refugees and stateless persons, if specifically accepted] ...reciprocity
- Local integration
- Inclusion of refugees in development plans
- Increasing self-reliance activities/options for Refugees; currently agro-based in camp

The International Framework on labour exploitation, human trafficking and smuggling of persons (migrants)

Presentation: The presentation noted that Trafficking in persons shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs."

Female victims continue to be the primary targets for Trafficking in Persons. In 2018, most women and girls detected were trafficked for sexual exploitation, whereas men and boys were mainly trafficked for forced labour. Victims are exploited across a wide range of



economic sectors, particularly in those where work is undertaken in isolated circumstances including agriculture, construction, fishing, mining, and domestic work.

It was noted that within Botswana, traffickers target unemployed women, the rural poor, agricultural workers, and children. Some relatives force their family members into domestic work, cattle herding, and commercial sex. Some parents in poor rural communities send their children to work for wealthier families as domestic servants in cities or in agriculture and cattle farming in remote areas, increasing their vulnerability to forced labour. Extended family members may subject their young Botswana domestic workers to conditions indicative of forced labour, including denial of education and basic necessities; confinement; and verbal, physical, or sexual abuse.

Botswana has put in place the following Legislative and Policy Framework:

- ✓ Anti-Human Trafficking Act was enacted in 2014 and amended in 2018.

Recommendations: the Dialogue noted the following recommendations-

- Strengthening Smuggling of Migrant interventions to protect citizens of Botswana and to prevent it from moving into Trafficking;
- Engagement with Community to sensitize them on issues of labour exploitation (bordering Trafficking), on Smuggled Migration and the dangers;
- Border management interventions with neighbouring countries esp South Africa.
- Continuous training of first responders and criminal justice officers.
- Engagement with Ministry of Labour, Private Sector etc on ethical recruitment.



Annex 1: Dialogue Pictures



Annex 2: Participants List

No	Name and Surname	Ministry/Organisation	Male/ Female
1.	Goitseone T. Kokorwe	Labour and Home Affairs	F
2.	Claudi Mojafi	Labour and Home Affairs	M
3.	Tidimalo Palai	Labour and Home Affairs	F
4.	Ophaketse Tiroyakgosi	Labour and Home Affairs	M
5.	Kgalalelo Mafa	Labour and Home Affairs	F
6.	Dorcus Sebifelo	Labour and Home Affairs	F
7.	Seoganetseng Phooko	Department of Labour	M
8.	Maungo Moremong	Department of Labour	F
9.	Nthabiseng Segwagwa	Department of Labour	F
10.	Katlarelo Kokorwe	Department of Labour	F
11.	Neo Mosime	Department of Labour	F
12.	Dimpho Diraditsile	Department of Labour	M
13.	Garebonwe Sebudubudu	Department of Labour	F
14.	Tshepiso Puoeng	Department of Immigration	F
15.	Poloko Sethono	Department of Civil and National	F
16.	Sadi Kgaodi	Department of Occupational Health and Safety	F
17.	Carol Bedi	Labour and Home Affairs - IT	F
18.	Kedibonye Liwena	Labour and Home Affairs - PR	F
19.	Oagile Sima	Department of Labour	M
20.	Fancy N. Seemule	Department of Labour	F
21.	Moeti Makgathe	Department of Labour	F
22.	Rona Malema	Ministry of Youth, Gender, Sport and Culture	F
23.	Neo Sonnyboy	Ministry of Youth, Gender, Sport and Culture	F
24.	Ronald Molelekeng	Ministry of State President	M
25.	Tshenolo W. Ratshosa	Ministry of Defence	M
26.	Gaolathe C. Ngayaya	Ministry of Defence	F
27.	Candrick Moremi	Ministry of Defence	M
28.	Tlhabologo Mompoti	Ministry of Defence	F
29.	Joshua Gareanna	Ministry of Education and Skills Development	M
30.	Banyalali Matsetse	Ministry of Education and Skills Development	F
31.	Kobamelo Tome	Ministry of Local Government and Rural Development	F



32.	Dr. Sekambo	Human Resource Development Council	F
33.	Botoka Raboijane	Botswana Qualifications Authority	F
34.	Amogelang Deuce Seetapele	Attorney General	M
35.	Madome Madome	Botswana Council of non-governmental organizations	M
36.	Goitsemodimo Mosaninda	Business Botswana	M
37.	Gao Radikwata	Business Botswana	F
38.	Kitso Phiri	Botswana Federation of Trade Unions	M
39.	Gosaitse Rapelang	Botswana Federation of Trade Unions	F
40.	Maenge PG Maenge	Botswana Federation of Trade Unions	M
41.	Neo Outule	Botswana Federation of Private, Public and Parastatal Sector Union	F
42.	Portia Nkani	Botswana Federation of Private, Public and Parastatal Sector Union	F
43.	Johannes Tshukudu	Botswana Federation of Private, Public and Parastatal Sector Union	M
44.	Tapologo Baakile	Statistics Botswana	M
45.	Tshepo Sebegu	Ministry of Foreign Affairs	F
46.	Sarah Dibe	Southern African Trade Union Coordination Council	F
47.	Moemedi Lefifi	Department of Labour	M
48.	Gloria Moreno Fontes	ILO	F
49.	Theodoror Spareboom	ILO	M
50.	Alice Vozza	ILO	F
51.	Nombasa Twantwa	ILO	F
52.	Sipho Ndlovu	ILO	M
53.	Nyasha Muchichwa	ARLAC	M
54.	Dr. Patrick Nalere	ARLAC	M

